



FREDERICK COUNTY PLANNING COMMISSION

December 12, 2012

TITLE:

Center at Monocacy: Lot 1

FILE NUMBER:

SP 96-35 AP #12946, APFO #12948, FRO #12949

REQUEST:**Site Plan and APFO Approval**

The Applicant is requesting Site Plan and APFO approval for a 21,775 square foot one story office business/restaurant/commercial retail building for uses permitted in the LI zoning district, on a 3.116-acre site

PROJECT INFORMATION:

ADDRESS/LOCATION: 5100 Pegasus Court
The site is located at the corner of MD Route 85, Buckeystown Pike and Pegasus Court.

TAX MAP/PARCEL: Tax Map 86, Parcel 245, Lot 1
COMP. PLAN: Limited Industrial
ZONING: Limited Industrial
PLANNING REGION: Frederick
WATER/SEWER: W-1, S-1

APPLICANT/REPRESENTATIVES:

APPLICANT: St. John's Properties
OWNER: Liberty SWM, LLC
ENGINEER: Harris, Smariga & Associates, Inc.
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: Tolson DeSa, Principal Planner II

RECOMMENDATION:

Conditional Approval

ATTACHMENTS:

Exhibit 1-Center at Monocacy Lot 1 Site Plan Rendering
Exhibit 2 – Letter of Understanding (LOU) Center at Monocacy Lot 1

STAFF REPORT

ISSUE

Development Request

The Applicant is requesting Site Plan and APFO approval to construct a 21,775 square foot one story office business/restaurant/commercial retail building to be occupied by uses permitted in the LI zoning district, on a 3.116-acre site. The proposed uses are being reviewed through the "Business Office", "Restaurant" and "Commercial Retail" land uses under the Commercial headings per §1-19-5.310 Use Table in the Zoning Ordinance as principal permitted uses in the Limited Industrial Zoning District subject to site development plan approval.

Graphic #1: Center at Monocacy Lot 1 Site Plan Rendering



BACKGROUND

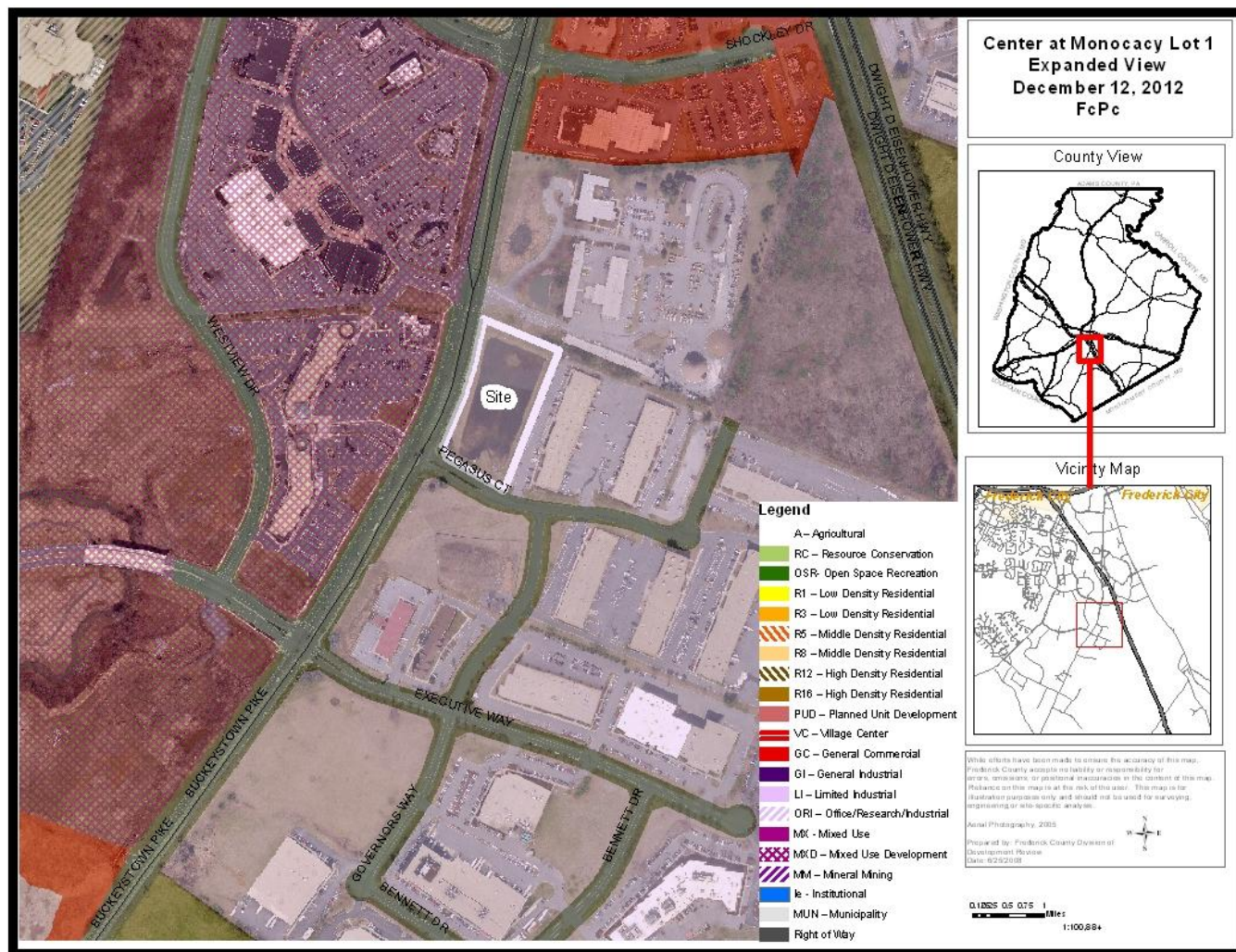
Development History

This site had prior site plan approval for a 31,850 square foot two-story building with Office/Retail and Restaurant use mix. This site plan was approved by the FCPC at their meeting on May 14th, 2008. The building was never constructed.

Existing Site Characteristics

The site is currently zoned Limited Industrial (See Graphic #2), and is a vacant stormwater management pond (See Graphic #3). The property to the east is currently developed as Lot 2 of Center at Monocacy and is used as flex office/industrial space. The property across Pegasus Court to the south is currently undeveloped, although a 8,000 square foot one-story restaurant structure and a 8,125 square foot one-story retail/restaurant structure on a 3.699 acre site are proposed in a pending Lot 15 Site Plan Application.

Graphic #2: Center at Monocacy: Lot 1 Zoning Map



Summary of Development Standards Findings and Conclusions

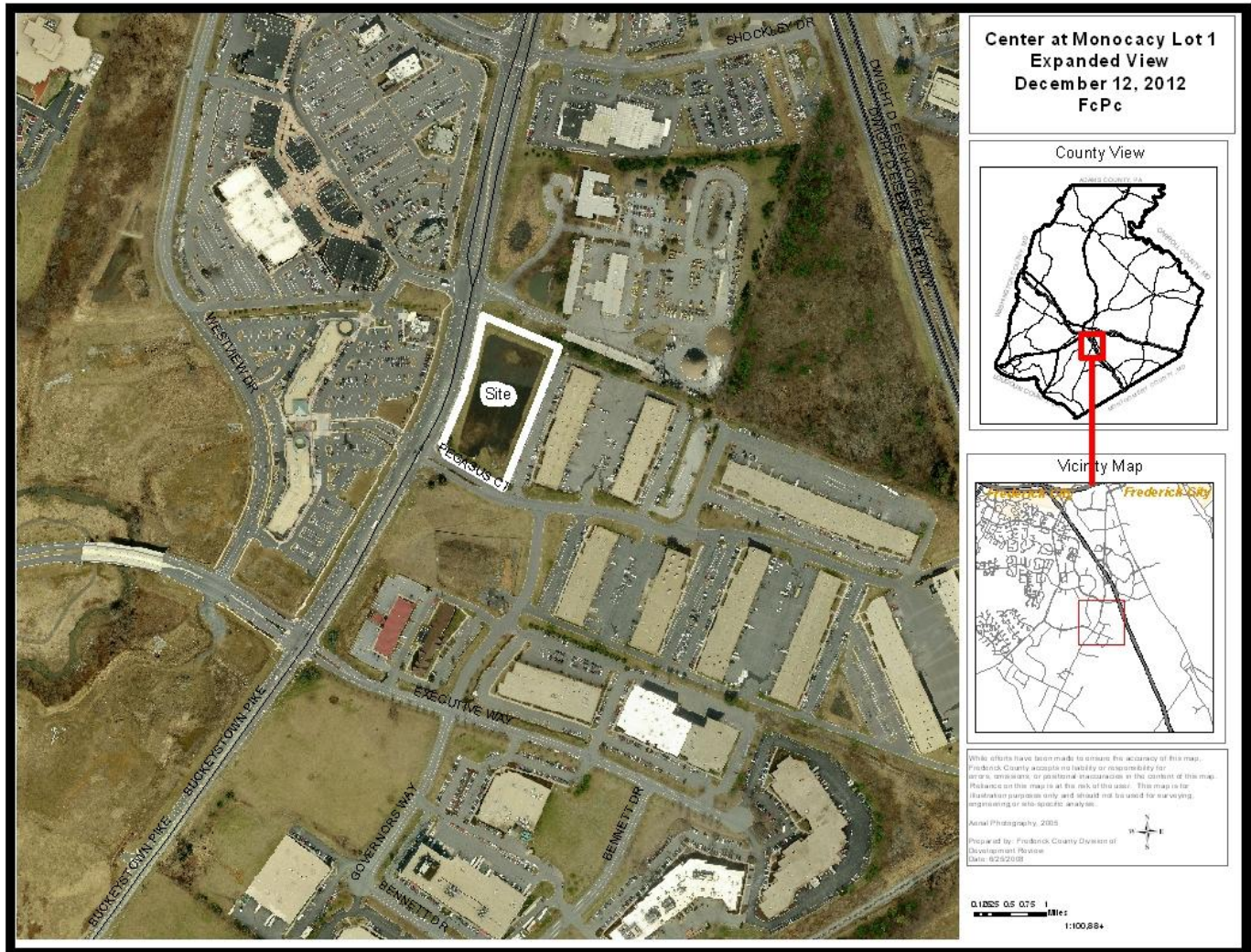
The key issues related to this site are the following; future access connections, common access with Lot 2, availability of two-way traffic flow to the rear of the proposed building, and pedestrian access to the sidewalk along MD 85.

The future access connections to the adjacent parcel located to the north are important to the long term opportunities of this site. Currently the State Highway Administration (SHA) occupies the northern parcel and has refused access. However, if the SHA parcel is ever redeveloped and future access connections are constructed, or simply if the state ever recognizes that an access into the subject property is reasonable, then the Center at Monocacy will have full movement access to a signalized intersection directly across MD 85 from the Westview Shopping Center development.

During the 2008 Lot 1 planning process, Staff required the consolidation of access points with Lot 1 and Lot 2. The Applicant is closing the westernmost access drive to Lot 2 and 3 in favor of a common drive that provides access to Lot 1 and Lot 2 as well as Lot 3. This common access drive is also designed to become a two-way access drive and will connect Pegasus Court with the adjacent parcel to the north, via a second potential future access connection.

The Applicant also proposed the construction of sidewalks running down Pegasus Court as well as down the northern property boundary to connect to the existing sidewalk along MD 85. These proposed sidewalks will allow pedestrian access to and from the subject property to the MD 85 signalized intersection and pedestrian crossing.

Graphic #3: Center at Monocacy: Lot 1 Aerial



Detailed Analysis of Findings and Conclusions

Site Development Plan Approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria of the Frederick County zoning ordinance.

Site Development §1-19-3.300.4 (A): Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.

Findings/Conclusions

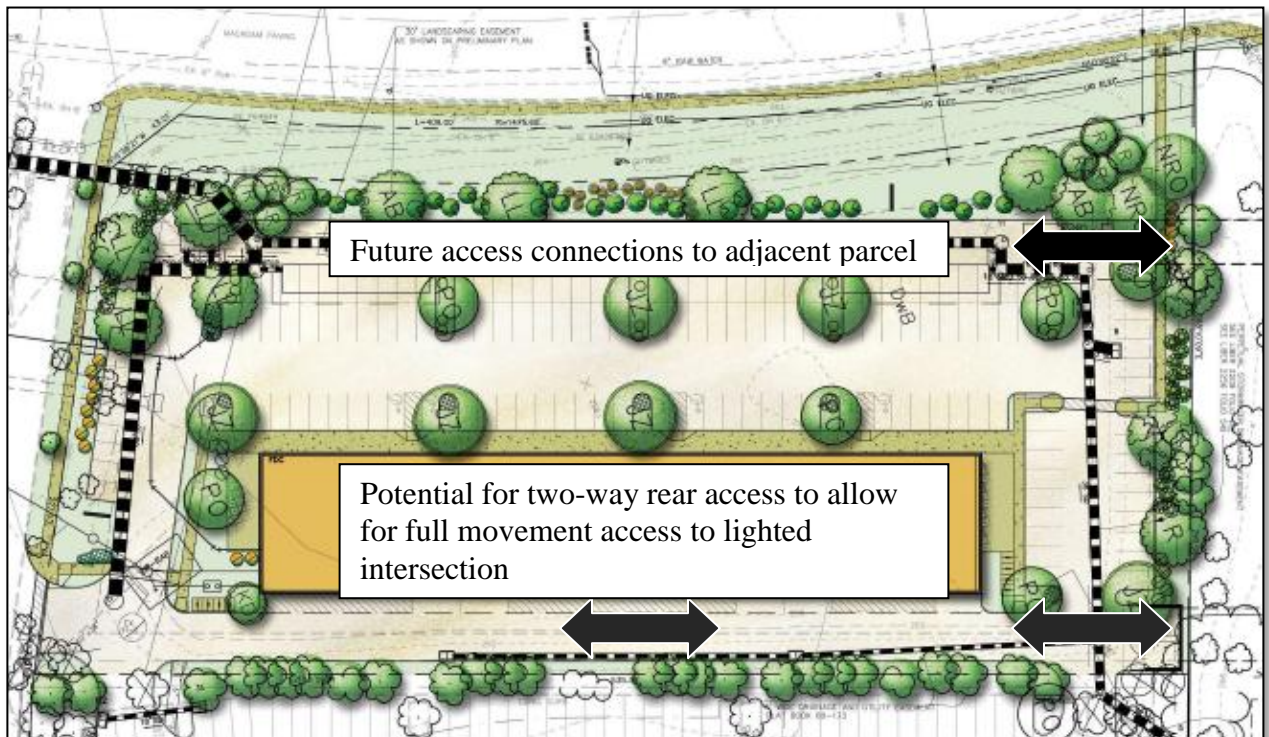
1. **Dimensional Requirements/Bulk Standards §1-19-6.100:** Section 1-19-6.100 of the Zoning Ordinance stipulates the setback requirements and the minimum lot area for the proposed use. The setback requirements are 25-foot front and 20-foot rear, and side yards shall be equal to the height of the structure. The proposed height is 19 feet. The proposed plan meets the required Bulk/Dimensional requirements.
2. **Signage §1-19-6.300:** Signage will comply with Zoning Ordinance Section 1-19-6.300. Within the LI zoning district industrial owner identification maximum signage is calculated at 10 F, where F is the length of the side of the building facing a public street (measured in lineal feet). The Applicant is proposing a sign not to exceed 183 square feet with a maximum height of 25 feet for free standing signs, which complies with zoning ordinance requirements.
3. **Landscaping §1-19-6.400:** The Applicant has proposed a landscape plan in accordance with Zoning Ordinance Section 1-19-6.400. The proposed plan includes street trees and existing vegetation together with new plantings to be located along common property lines. The Applicant has provided increased landscaping treatments along the road frontage of MD 85, as well as preserving the existing hedgerow to the east of the site between Lot 1 and Lot 2 that comply with zoning ordinance requirements.
4. **Lighting §1-19-6.500:** The zoning ordinance provides that pole and building mounted lighting shall not exceed a maximum height of 24 feet for industrial uses. The Applicant has submitted a lighting plan that proposes 18 foot tall pole lights as well as building mounted lights throughout the site which comply with zoning ordinance requirements. The Applicant's plan does not propose any lighting levels over 0.5 foot candles at the periphery of the property, with the exception of portions of the property line to the rear of the building. This property line is shared with the one of the applicants existing buildings and it may be the combined lighting (from the existing parcel and the subject property) that exceed standards along the property line. This will primarily be in the vicinity of the shared drive aisle. Due to the nature of the ownership and the amount of excess lighting, and the fact it may be due to the combined light of adjacent uses, staff does not object to what has been proposed.

Transportation and Parking §1-19-3.300.4 (B): The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.

Findings/Conclusions

- 1. Access/Circulation:** Access to the site is from Pegasus Court. There is one way circulation around the rear of the building as well as two-way circulation and access around the front of the building. There are 2 future access connections to the SHA property to the north proposed on Lot 1. The one-way access around the rear has been designed to accommodate two-way traffic should future access to the SHA Parcel be granted. This connection will provide the Center at Monocacy with full movement access to MD 85 via a signalized intersection. However, access via the signalized intersection through the SHA parcel is not necessary to meet current accessibility and circulation requirements; we are merely planning for future opportunity.

The main entrance to the site also provides access to Lot 2 and Lot 3 (to the rear of the subject property), via a common access drive. The existing westernmost access to Lot 2 will be closed in order to facilitate the common access drive for Lots 1 and 2.



- 2. Connectivity §1-19-6.220 (F):** The site is located at the corner of Pegasus Court and MD 85. The site plan proposes to close one of the existing Lot 2 access points. Lot 1 will connect to the adjacent Lot 2 via a common access drive located off of Pegasus Court. There is a joint use and parking lot easement and maintenance agreement recorded between Lots 1 and 2 recorded in the land records at Liber 7037, Folio 787.

As noted, there are 2 proposed future access connections to the SHA parcel proposed as part of this development proposal.

- 3. Public Transit:** This site is served by the MD 85 Commuter Shuttle, which runs Monday through Friday and drops off/picks up at Executive Way at the Omega Center. The building location and site design accommodate public transit service to the site.

4. **Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220:** The zoning ordinance requires 1 parking space for every 300 square feet of retail floor area excluding preparation and/or storage areas. The Applicant is proposing 7,186 square feet of retail space; therefore 24 parking spaces are required for the retail operation. The zoning ordinance requires 1 parking space for every 50 square feet of restaurant customer service area, excluding food preparation and storage. The Applicant is proposing 7,186 square feet of restaurant space with 1,797 square feet devoted to food preparation and storage; therefore, 108 parking spaces are required for the restaurant operation. The zoning ordinance requires 1 parking space for every 300 square feet of floor area for general office uses. The Applicant is proposing 7,403 square feet of office space; therefore, 25 parking spaces are required for the general office operation. Based on these calculations, the Applicant is required to provide a total of 157 required parking spaces; the Applicant has provided 157 parking spaces in accordance with the code requirements.

The Applicant is required to provide 1 large and 2 small loading spaces in accordance with Zoning Ordinance Section 1-19-6.210. The Applicant has complied with this required by placing three loading space areas to the rear of the proposed building.

5. **Bicycle Parking §1-19-6.220 (H):** The zoning ordinance requires 1 bicycle rack for each 20 auto parking spaces. Therefore, the Applicant is required to provide 8 bicycle racks. The Applicant is proposing 8 racks which comply with the code requirement.
6. **Pedestrian Circulation and Safety §1-19-6.220 (G):** The Applicant is proposing a sidewalk along the north property line as well as down Pegasus Court to connect to the existing sidewalk located along MD 85. There are also internal sidewalks and crosswalks across Pegasus Court to provide pedestrian access to Lot 15.

Public Utilities §1-19-3.300.4 (C): *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

Findings/Conclusions

1. **Public Water and Sewer:** The site is to be served by public water and sewer and is classified W-1, S-1. The entire site is in pressure Zone #1 with water coming from New Design Water Treatment Plant and sewage flowing into the Ballenger McKinney Wastewater Treatment Plant. While the public sewer and water facilities are currently adequate to serve the Project, the Applicant is aware that capacity is not guaranteed until purchased.

APFO approval for sewer and water does not guarantee that plats will be recorded and building permits will be issued. Plat recordation and building permit issuance is subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512, et seq. and all applicable County regulations, including but not limited to Sec. 1-16-106 of the Frederick County Subdivision Regulations.

Natural features §1-19-3.300.4 (D): *Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

Findings/Conclusions

1. **Topography:** Lot 1 is flat and sits slightly higher than MD 85. The proposed plan will not significantly alter the existing topography on site, other than to fill in the SWM pond.
2. **Vegetation:** The Applicant is proposing a landscape plan in accordance with Zoning Ordinance Section 1-19-6.400. The Applicant has preserved the existing hedgerow between Lot 1 and Lot 2.
3. **Sensitive Resources:** Although County maps indicate a small band of flooding soils on the site, it is located in an area already developed and significantly altered by a SWM pond. To that end, traditional flooding soils mitigation may not be applicable, however staff will ensure that on-site grading and drainage comply with all appropriate zoning ordinance regulations as well as the SWM review and approval process.
4. **Natural Hazards:** Based on available mapping, no wetlands, or FEMA floodplains are located on the site.

Common Areas §1-19-3.300.4 (E): *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

1. **Proposed Common Area:** This criteria is not applicable as the Applicant proposes no Common Areas requiring Planning Commission review of ownership, use, and maintenance.

Other Applicable Regulations

Stormwater Management – Chapter §1-15.2: Stormwater Management (SWM) is being mitigated via two underground Best Management Practices BMP's. The stormwater management on site will comply with the 2000 stormwater design guidelines. An Administrative Waiver was approved on 9/28/12 (AP 12947). A waiver for SWM quantity control was approved on 6/22/07 (AP 3266).

APFO – Chapter §1-20:

1. **Schools.** Schools are not required to be tested due to the non-residential uses proposed.
2. **Water/Sewer.** While the public sewer and water facilities are currently adequate to serve the Project, the Applicant is aware that capacity is not guaranteed until purchased. APFO approval for sewer and water does not guarantee that plats will be recorded and building permits will be issued. Plat recordation and building permit issuance is subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512, et seq. and all applicable County regulations, including but not limited to Sec. 1-16-106 of the Frederick County Subdivision Regulations.
3. **Roads:** In accordance with the final revised March 28, 2008 Traffic Impact Analysis by The Traffic Group, the uses on this lot (Lot 1) and Lot 15 are capped at a total (combined) amount of 212 A.M. and 255 P.M. weekday peak hour vehicle driveway trips.

As a condition of the 2008 APFO approval of the development of Lots 1 and 15, the Applicant has already paid its proportionate contribution to 13 individual escrow accounts totaling \$168,029. The purpose of the current APFO application is to combine the previous approvals for Lots 1 and 15, including the caps and escrow contributions, in order to accommodate a downsized Lot 1 and an upsized Lot 15.

Since the combination of these pending applications does not increase overall trip intensity, the prior contributions vest APFO for Lots 1 and 15. Any building expansion, vertically or horizontally, or combination of uses within the buildings as described on the site plans, that causes Lots 1 and 15 to exceed the stated trip cap in either the A.M. or P.M. peak hours will require re-testing under the APFO in existence at that time.

The Developer is required to submit a brief trip “scorecard” with each building permit or subsequent site plan to account for the trip variations of the different uses, in order to assure compliance with the trip cap.

Forest Resource – Chapter §1-21: The Applicant will mitigate FRO via a fee-in-lieu in 2008 under AP 7687.

Historic Preservation – Chapter §1-23: There are no Historic Resources located on this site.

Summary of Agency Comments

Other Agency or Ordinance Requirements	Comment
Development Review Engineering (DRE):	Conditional Approval: Minor changes that will take place at IP Stage.
Development Review Planning:	Address all agency comments as the plan proceeds through to completion.
State Highway Administration (SHA):	Conditional Approval
Div. of Utilities and Solid Waste Mngt. (DUSWM):	Conditional Approval
Health Dept.	Conditional Approval
Office of Life Safety	Conditional Approval
DPDR Traffic Engineering	Conditional Approval
Historic Preservation	N/A

RECOMMENDATION

Staff has no objection to conditional approval of the Site Plan. If the Planning Commission conditionally approves the site plan, the site plan shall be valid for a period of three (3) years from the date of Planning Commission approval. APFO approval is not necessary at this time, since the previous APFO approvals are vested unless the trip caps are exceeded.

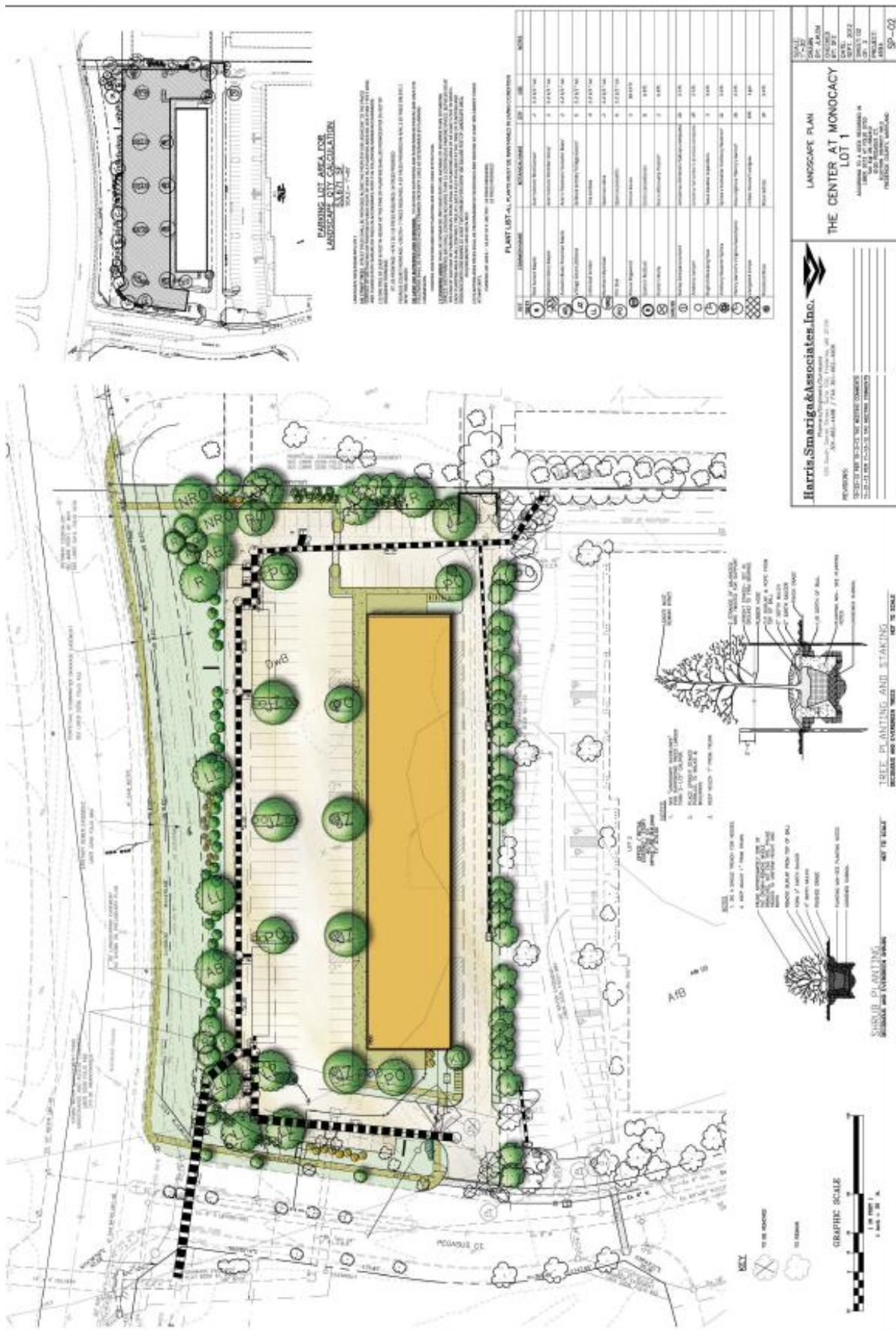
Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable zoning, APFO, and FRO requirements once the following conditions are met:

1. Address all agency comments as the plan proceeds through the process to completion.
2. The Developer is required to submit a brief trip “scorecard” with each building permit or subsequent site plan to account for the trip variations of the different uses, in order to assure compliance with the trip cap that applies to Lots 1 and 15.
3. Approval of the lighting plan in accordance with Zoning Ordinance 1-19-6.500.G, slight light trespass to the rear of the building on Lot 1 onto the existing industrially zoned Lot 2 drive isle and parking area.

PLANNING COMMISSION ACTION

MOTION TO MODIFY AND APPROVE AS MODIFIED

I move that the Planning Commission **APPROVE** Site Plan SP 96-35 **with conditions** as listed in the staff report for the proposed Site Plan, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.





COMMUNITY DEVELOPMENT DIVISION
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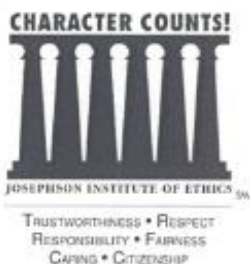
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Division Director

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PERMITS AND
INSPECTIONS**

Gary W. Hessong
Department Director



**CONFIRMATORY ADEQUATE PUBLIC FACILITIES
LETTER OF UNDERSTANDING**

Center at Monocacy Lots 1 and 15

Site Plan # SP 96-35 (AP #12948/12954)

In General: The following Confirmatory Letter of Understanding ("**Letter**") between the Frederick County Planning Commission ("**Commission**") and St. John Properties, Inc. ("**Developer**"), together with its/their successors or assigns, sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements dealing with school, water, sewer, and road improvements that must be in place for the property identified below to be developed, as proposed under the approved site plans for general office, retail and restaurants (the "**Project**"), in compliance with the Frederick County Adequate Public Facilities Ordinance ("**APFO**").

The Developer, its successors or assigns, hereby agrees and understands that unless the required improvements are provided in accordance with this Letter, APFO requirements will not be satisfied and development will not be permitted to proceed.

This Letter concerns itself with the Developer's 3.116 +/- acre parcel of land (Lot 1) and 3.69 +/- parcel of land (Lot 15), which are both zoned Limited Industrial (LI), and located on the north and south side of Pegasus Court, respectively and along the east side of MD 85. This APFO approval will be effective for development of a new one story mixed use office/commercial building (Lot 1) and two free standing restaurants (Lot 15), which are shown on the site plans submitted to the Commission for approval on December 12, 2012.

Schools: Schools are not impacted because the development of the property is a non-residential use.

Water and Sewer Improvements:

The Property has a water and sewer classification of W-1 (Dev), S-1 (Dev). While the public sewer and water facilities are currently adequate to serve the Project, the Applicant acknowledges that capacity is not guaranteed until purchased. APFO approval for sewer and water does not guarantee that plats will be recorded and building permits will be issued. Plat recordation and building permit issuance is subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512, et seq. and all applicable County regulations, including but not limited to Sec. 1-16-106 of the Frederick County Subdivision Regulations.

Center at Monocacy Lot 1

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Road Improvements: In accordance with the final revised March 28, 2008 Traffic Impact Analysis by The Traffic Group, the uses on these two lots are capped at a total (combined) amount of 212 A.M. and 255 P.M. weekday peak hour vehicle driveway trips. As a condition of the 2008 APFO approval of the development of Lots 1 and 15, the Developer has already paid its proportionate contribution to 13 individual escrow accounts totaling \$168,029. This Letter combines the previous APFO approvals for Lots 1 and 15, including the caps and escrow contributions.

Since the combination of these pending applications does not increase overall trip intensity, the prior contributions vest APFO for Lots 1 and 15.

Period of Validity: The combined APFO approval for Lots 1 and 15 is vested by the prior contributions described above. However, any building expansion, vertically or horizontally, or combination of uses within the buildings as described on the site plans, that causes Lots 1 and 15 to exceed the stated trip cap in either the A.M. or P.M. peak hours, will require re-testing under the APFO in existence at that time.

Disclaimer: This Letter pertains to APFO approval only, and shall not be construed to provide any express or implied rights to continue the development process. The Project remains subject to all applicable rules and regulations, including but not limited to those related to zoning, water and sewer, and subdivision. The Planning Commission's jurisdiction and authority is limited by State and County law, and approvals may be required from other local or state governmental agencies before the proposed development can proceed.

DEVELOPER:

By: Matthew F. Holbrook for St. John Properties, Inc. Date: 11/28/12
Name: Matthew F. Holbrook
Title: Regional Partner

FREDERICK COUNTY PLANNING COMMISSION:

By: _____ Date: _____
Dwayne E. Robbins, Chair or William G. Hall, Secretary

ATTEST:

By: _____ Date: _____
Gary Hessong, Director, Division of Permits & Inspections

Planner's Initials / Date _____
County Attorney's Office Initials / Date _____
(Approved as to legal form)